

AMENDED IN SENATE AUGUST 21, 2014

AMENDED IN SENATE AUGUST 4, 2014

AMENDED IN ASSEMBLY MAY 7, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2228

Introduced by Assembly Member Cooley

February 20, 2014

An act to amend Sections 1502, 1516, 1526.8, and 1596.792 of the Health and Safety Code, relating to crisis nurseries.

LEGISLATIVE COUNSEL'S DIGEST

AB 2228, as amended, Cooley. Crisis nurseries.

Existing law provides for the licensure and regulation by the State Department of Social Services of crisis nurseries, as defined. Violation of these provisions is a misdemeanor. Existing law authorizes crisis nurseries to provide nonmedical 24-hour residential care and supervision for children under 6 years of age who are voluntarily placed by a parent or legal guardian due to a family crisis or stressful situation for no more than 30 days.

Existing law provides that a maximum licensed capacity for a crisis nursery program is 14 children. Existing law authorizes a crisis nursery to provide child day care services for children under 6 years of age at the same site as a crisis nursery, but provides that a child is prohibited from receiving more than 30 calendar days of child day care services at the crisis nursery in a 6-month period unless the department issues an exception. Existing law requires the department to allow the use of fully trained and qualified volunteers as caregivers in a crisis nursery subject to specified conditions.

This bill would revise these provisions to require crisis nurseries to be licensed by the department to operate crisis residential overnight programs, as defined, and to authorize crisis nurseries to provide crisis day services, as defined. The bill would establish the maximum licensed capacity for a crisis residential overnight program at 14 children and provide that the maximum licensed capacity for crisis day services shall be based on 35 square feet of indoor activity space per child, as prescribed.

This bill would require that ~~the~~ a licensee *under those provisions* designate at least one lead caregiver, as described, to be present at the crisis nursery at all times when children are present, would require the licensee to develop, maintain, and implement a written staff training plan, as specified, and would require a crisis nursery to have at least one caregiver at all times who has completed training pediatric first aid and cardiopulmonary resuscitation. The bill would modify the requirements relating to the use of volunteers to be counted in the staff-to-child ratios in a crisis nursery, as specified, and would prescribe requirements relating to when a child has a health condition that requires medication.

By expanding the scope of crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1502 of the Health and Safety Code is
- 2 amended to read:
- 3 1502. As used in this chapter:
- 4 (a) "Community care facility" means any facility, place, or
- 5 building that is maintained and operated to provide nonmedical
- 6 residential care, day treatment, adult day care, or foster family
- 7 agency services for children, adults, or children and adults,
- 8 including, but not limited to, the physically handicapped, mentally

1 impaired, incompetent persons, and abused or neglected children,
2 and includes the following:

3 (1) "Residential facility" means any family home, group care
4 facility, or similar facility determined by the director, for 24-hour
5 nonmedical care of persons in need of personal services,
6 supervision, or assistance essential for sustaining the activities of
7 daily living or for the protection of the individual.

8 (2) "Adult day program" means any community-based facility
9 or program that provides care to persons 18 years of age or older
10 in need of personal services, supervision, or assistance essential
11 for sustaining the activities of daily living or for the protection of
12 these individuals on less than a 24-hour basis.

13 (3) "Therapeutic day services facility" means any facility that
14 provides nonmedical care, counseling, educational or vocational
15 support, or social rehabilitation services on less than a 24-hour
16 basis to persons under 18 years of age who would otherwise be
17 placed in foster care or who are returning to families from foster
18 care. Program standards for these facilities shall be developed by
19 the department, pursuant to Section 1530, in consultation with
20 therapeutic day services and foster care providers.

21 (4) "Foster family agency" means any organization engaged in
22 the recruiting, certifying, and training of, and providing
23 professional support to, foster parents, or in finding homes or other
24 places for placement of children for temporary or permanent care
25 who require that level of care as an alternative to a group home.
26 Private foster family agencies shall be organized and operated on
27 a nonprofit basis.

28 (5) "Foster family home" means any residential facility
29 providing 24-hour care for six or fewer foster children that is
30 owned, leased, or rented and is the residence of the foster parent
31 or parents, including their family, in whose care the foster children
32 have been placed. The placement may be by a public or private
33 child placement agency or by a court order, or by voluntary
34 placement by a parent, parents, or guardian. It also means a foster
35 family home described in Section 1505.2.

36 (6) "Small family home" means any residential facility, in the
37 licensee's family residence, that provides 24-hour care for six or
38 fewer foster children who have mental disorders or developmental
39 or physical disabilities and who require special care and supervision
40 as a result of their disabilities. A small family home may accept

1 children with special health care needs, pursuant to subdivision
2 (a) of Section 17710 of the Welfare and Institutions Code. In
3 addition to placing children with special health care needs, the
4 department may approve placement of children without special
5 health care needs, up to the licensed capacity.

6 (7) “Social rehabilitation facility” means any residential facility
7 that provides social rehabilitation services for no longer than 18
8 months in a group setting to adults recovering from mental illness
9 who temporarily need assistance, guidance, or counseling. Program
10 components shall be subject to program standards pursuant to
11 Article 1 (commencing with Section 5670) of Chapter 2.5 of Part
12 2 of Division 5 of the Welfare and Institutions Code.

13 (8) “Community treatment facility” means any residential
14 facility that provides mental health treatment services to children
15 in a group setting and that has the capacity to provide secure
16 containment. Program components shall be subject to program
17 standards developed and enforced by the State Department of
18 Health Care Services pursuant to Section 4094 of the Welfare and
19 Institutions Code.

20 Nothing in this section shall be construed to prohibit or
21 discourage placement of persons who have mental or physical
22 disabilities into any category of community care facility that meets
23 the needs of the individual placed, if the placement is consistent
24 with the licensing regulations of the department.

25 (9) “Full-service adoption agency” means any licensed entity
26 engaged in the business of providing adoption services, that does
27 all of the following:

28 (A) Assumes care, custody, and control of a child through
29 relinquishment of the child to the agency or involuntary termination
30 of parental rights to the child.

31 (B) Assesses the birth parents, prospective adoptive parents, or
32 child.

33 (C) Places children for adoption.

34 (D) Supervises adoptive placements.

35 Private full-service adoption agencies shall be organized and
36 operated on a nonprofit basis. As a condition of licensure to provide
37 intercountry adoption services, a full-service adoption agency shall
38 be accredited and in good standing according to Part 96 of Title
39 22 of the Code of Federal Regulations, or supervised by an
40 accredited primary provider, or acting as an exempted provider,

1 in compliance with Subpart F (commencing with Section 96.29)
2 of Part 96 of Title 22 of the Code of Federal Regulations.

3 (10) “Noncustodial adoption agency” means any licensed entity
4 engaged in the business of providing adoption services, that does
5 all of the following:

6 (A) Assesses the prospective adoptive parents.

7 (B) Cooperatively matches children freed for adoption, who are
8 under the care, custody, and control of a licensed adoption agency,
9 for adoption, with assessed and approved adoptive applicants.

10 (C) Cooperatively supervises adoptive placements with a
11 full-service adoptive agency, but does not disrupt a placement or
12 remove a child from a placement.

13 Private noncustodial adoption agencies shall be organized and
14 operated on a nonprofit basis. As a condition of licensure to provide
15 intercountry adoption services, a noncustodial adoption agency
16 shall be accredited and in good standing according to Part 96 of
17 Title 22 of the Code of Federal Regulations, or supervised by an
18 accredited primary provider, or acting as an exempted provider,
19 in compliance with Subpart F (commencing with Section 96.29)
20 of Part 96 of Title 22 of the Code of Federal Regulations.

21 (11) “Transitional shelter care facility” means any group care
22 facility that provides for 24-hour nonmedical care of persons in
23 need of personal services, supervision, or assistance essential for
24 sustaining the activities of daily living or for the protection of the
25 individual. Program components shall be subject to program
26 standards developed by the State Department of Social Services
27 pursuant to Section 1502.3.

28 (12) “Transitional housing placement provider” means an
29 organization licensed by the department pursuant to Section
30 1559.110 and Section 16522.1 of the Welfare and Institutions Code
31 to provide transitional housing to foster children at least 16 years
32 of age and not more than 18 years of age, and nonminor
33 dependents, as defined in subdivision (v) of Section 11400 of the
34 Welfare and Institutions Code, to promote their transition to
35 adulthood. A transitional housing placement provider shall be
36 privately operated and organized on a nonprofit basis.

37 (13) “Group home” means a residential facility that provides
38 24-hour care and supervision to children, delivered at least in part
39 by staff employed by the licensee in a structured environment. The

1 care and supervision provided by a group home shall be
2 nonmedical, except as otherwise permitted by law.

3 (14) “Runaway and homeless youth shelter” means a group
4 home licensed by the department to operate a program pursuant
5 to Section 1502.35 to provide voluntary, short-term, shelter and
6 personal services to runaway youth or homeless youth, as defined
7 in paragraph (2) of subdivision (a) of Section 1502.35.

8 (15) “Enhanced behavioral supports home” means a facility
9 certified by the State Department of Developmental Services
10 pursuant to Article 3.6 (commencing with Section 4684.80) of
11 Chapter 6 of Division 4.5 of the Welfare and Institutions Code,
12 and licensed by the State Department of Social Services as an adult
13 residential facility or a group home that provides 24-hour
14 nonmedical care to individuals with developmental disabilities
15 who require enhanced behavioral supports, staffing, and
16 supervision in a homelike setting. An enhanced behavioral supports
17 home shall have a maximum capacity of four consumers, shall
18 conform to Section 441.530(a)(1) of Title 42 of the Code of Federal
19 Regulations, and shall be eligible for federal Medicaid home-and
20 community-based services funding.

21 (16) “Community crisis home” means a facility certified by the
22 State Department of Developmental Services pursuant to Article
23 8 (commencing with Section 4698) of Chapter 6 of Division 4.5
24 of the Welfare and Institutions Code, and licensed by the State
25 Department of Social Services pursuant to Article 9.7 (commencing
26 with Section 1567.80), as an adult residential facility, providing
27 24-hour nonmedical care to individuals with developmental
28 disabilities receiving regional center service, in need of crisis
29 intervention services, and who would otherwise be at risk of
30 admission to the acute crisis center at Fairview Developmental
31 Center, Sonoma Developmental Center, an acute general hospital,
32 acute psychiatric hospital, an institution for mental disease, as
33 described in Part 5 (commencing with Section 5900) of Division
34 5 of the Welfare and Institutions Code, or an out-of-state
35 placement. A community crisis home shall have a maximum
36 capacity of eight consumers, as defined in subdivision (a) of
37 Section 1567.80, shall conform to Section 441.530(a)(1) of Title
38 42 of the Code of Federal Regulations, and shall be eligible for
39 federal Medicaid home- and community-based services funding.

1 (17) "Crisis nursery" means a facility licensed by the department
2 to operate a program pursuant to Section 1516 to provide short-term
3 care and supervision for children under six years of age who are
4 voluntarily placed for temporary care by a parent or legal guardian
5 due to a family crisis or stressful situation.

6 (b) "Department" or "state department" means the State
7 Department of Social Services.

8 (c) "Director" means the Director of Social Services.

9 SEC. 2. Section 1516 of the Health and Safety Code is amended
10 to read:

11 1516. (a) A crisis nursery, as defined in paragraph (17) of
12 subdivision (a) of Section 1502, shall be licensed by the department
13 to operate a crisis residential overnight program. Notwithstanding
14 Section 1596.80, a crisis nursery may also provide crisis day
15 services.

16 (b) A crisis nursery shall be organized and operated on a
17 nonprofit basis by either a private nonprofit corporation or a
18 nonprofit public benefit corporation.

19 ~~(c) For purposes of this section, the following definitions shall~~
20 ~~apply:~~

21 ~~(1) "Crisis day services" means temporary, nonmedical care~~
22 ~~and supervision for children under six years of age who are~~
23 ~~voluntarily placed by a parent or legal guardian due to a family~~
24 ~~crisis or stressful situation for less than 24 hours per day. A child~~
25 ~~may not receive crisis day services at a crisis nursery for more~~
26 ~~than 30 calendar days, or a total of 360 hours, in a six-month period~~
27 ~~unless the department issues an exception.~~

28 ~~(2) "Crisis residential overnight program" means short-term,~~
29 ~~24-hour nonmedical residential care and supervision, including~~
30 ~~overnight, for children under six years of age who are voluntarily~~
31 ~~placed by a parent or legal guardian due to a family crisis or~~
32 ~~stressful situation for no more than 30 days.~~

33 ~~(3) "Voluntarily placed" means a child, who is not receiving~~
34 ~~Aid to Families with Dependent Children-Foster Care, placed by~~
35 ~~a parent or legal guardian who retains physical custody of, and~~
36 ~~remains responsible for, the care of his or her children who are~~
37 ~~placed for temporary emergency care. "Voluntarily placed" does~~
38 ~~not include placement of a child who has been removed from the~~
39 ~~care and custody of his or her parent or legal guardian and placed~~
40 ~~in foster care by a child welfare services agency.~~

1 ~~(d)~~

2 (c) A facility licensed on or before January 1, 2004, as a group
3 home for children under six years of age with a licensed capacity
4 greater than 14 children, but less than 21 children, that provides
5 crisis nursery services shall be allowed to retain its capacity if
6 issued a crisis nursery license until there is a change in the
7 licensee's program, location, or client population.

8 ~~(e)~~

9 (d) Each crisis nursery shall collect and maintain information,
10 in a format specified by the department, indicating the total number
11 of children placed in the program, the length of stay for each child,
12 the reasons given for the use of the crisis nursery, and the age of
13 each child. This information shall be made available to the
14 department upon request.

15 ~~(f)~~

16 (e) Notwithstanding Section 1596.80, a crisis nursery may
17 provide crisis day services for children under six years of age at
18 the same site that it is providing crisis residential overnight
19 services.

20 (1) A child shall not receive crisis day services at a crisis nursery
21 for more than 30 calendar days, maximum of 12 hours per day, or
22 a total of 360 hours, in a six-month period unless the department
23 issues an exception to allow a child to receive additional crisis day
24 services in a six-month period.

25 (2) The department, upon receipt of an exception request
26 pursuant to paragraph (1) and supporting documentation as required
27 by the department, shall respond within five working days to
28 approve or deny the request.

29 (3) No more than two exceptions, in seven-calendar day or
30 84-hour increments, may be granted per child in a six-month
31 period.

32 ~~(g)~~

33 (f) A crisis nursery license shall be issued for a specific capacity
34 determined by the department.

35 (1) (A) The maximum licensed capacity for crisis day services
36 shall be based on 35 square feet of indoor activity space per child.
37 Bedrooms, bathrooms, halls, offices, isolation areas,
38 food-preparation areas, and storage places shall not be included
39 in the calculation of indoor activity space. Floor area under tables,
40 desks, chairs, and other equipment intended for use as part of

1 children's activities shall be included in the calculation of indoor
2 space.

3 (B) There shall be at least 75 square feet per child of outdoor
4 activity space based on the total licensed capacity. Swimming
5 pools, adjacent pool decking, and natural or man-made hazards
6 shall not be included in the calculation of outdoor activity space.

7 (2) Except as provided in subdivision~~(d)~~ (c), the maximum
8 licensed capacity for a crisis residential overnight program shall
9 be 14 children.

10 (3) A child who has been voluntarily placed in a crisis residential
11 overnight program shall be included in the licensed capacity for
12 crisis day services.

13 ~~(h)~~

14 (g) Exceptions to group home licensing regulations pursuant to
15 subdivision (c) of Section 84200 of Title 22 of the California Code
16 of Regulations, in effect on August 1, 2004, for county-operated
17 or county-contracted emergency shelter care facilities that care for
18 children under six years of age for no more than 30 days, shall be
19 contained in regulations for crisis nurseries.

20 (h) *For purposes of this section, the following definitions shall*
21 *apply:*

22 (1) *"Crisis day services" means temporary, nonmedical care*
23 *and supervision for children under six years of age who are*
24 *voluntarily placed by a parent or legal guardian due to a family*
25 *crisis or stressful situation for less than 24 hours per day. Crisis*
26 *day services shall be provided during a time period defined by the*
27 *crisis nursery in its plan of operation, but not to exceed a period*
28 *of 14 hours per day. The plan of operation shall assure sleeping*
29 *arrangements are available for children there after 7 p.m. A child*
30 *may not receive crisis day services at a crisis nursery for more*
31 *than 30 calendar days, or a total of 360 hours, in a six-month*
32 *period unless the department issues an exception.*

33 (2) *"Crisis residential overnight program" means short-term,*
34 *24-hour nonmedical residential care and supervision, including*
35 *overnight, for children under six years of age who are voluntarily*
36 *placed by a parent or legal guardian due to a family crisis or*
37 *stressful situation for no more than 30 days.*

38 (3) *"Voluntarily placed" means a child, who is not receiving*
39 *Aid to Families with Dependent Children-Foster Care, placed by*
40 *a parent or legal guardian who retains physical custody of, and*

1 *remains responsible for, the care of his or her children who are*
2 *placed for temporary emergency care. “Voluntarily placed” does*
3 *not include placement of a child who has been removed from the*
4 *care and custody of his or her parent or legal guardian and placed*
5 *in foster care by a child welfare services agency.*

6 SEC. 3. Section 1526.8 of the Health and Safety Code is
7 amended to read:

8 1526.8. (a) It is the intent of the Legislature that the department
9 develop modified staffing levels and requirements for crisis
10 nurseries, provided that the health, safety, and well-being of the
11 children in care are protected and maintained.

12 (1) All caregivers shall be certified in pediatric cardiopulmonary
13 resuscitation (CPR) and pediatric first aid. Certification shall be
14 demonstrated by current and valid pediatric CPR and pediatric
15 first aid cards issued by the American Red Cross, the American
16 Heart Association, by a training program that has been approved
17 by the Emergency Medical Services Authority pursuant to Section
18 1797.191, or from an accredited college or university.

19 (2) The licensee shall develop, maintain, and implement a
20 written staff training plan for the orientation, continuing education,
21 on-the-job training and development, supervision, and evaluation
22 of all lead caregivers, caregivers, and volunteers. The licensee
23 shall incorporate the training plan in the crisis nursery plan of
24 operation.

25 (3) The licensee shall designate at least one lead caregiver to
26 be present at the crisis nursery at all times when children are
27 present. The lead caregiver shall have one of the following
28 education and experience qualifications:

29 (A) Completion of 12 postsecondary semester units or equivalent
30 quarter units, with a passing grade, as determined by the institution,
31 in classes with a focus on early childhood education, child
32 development, or child health at an accredited college or university,
33 as determined by the department, and six months of work
34 experience in a licensed group home, licensed infant care center,
35 or comparable group child care program or family day care. At
36 least three semester units, or equivalent quarter units, or equivalent
37 experience shall include coursework or experience in the care of
38 infants.

39 (B) A current and valid Child Development Associate (CDA)
40 credential, with the appropriate age level endorsement issued by

1 the CDA National Credentialing Program, and at least six months
2 of on-the-job training or work experience in a licensed child care
3 center or comparable group child care program.

4 (C) A current and valid Child Development Associate Teacher
5 Permit issued by the California Commission on Teacher
6 Credentialing pursuant to Sections 80105 to 80116, inclusive, of
7 Title 5 of the California Code of Regulations.

8 (4) Lead caregivers shall have a minimum of 24 hours of training
9 and orientation before working with children. One year experience
10 in a supervisory position in a child care or group care facility may
11 substitute for 16 hours of training and orientation. The written staff
12 training plan shall require the lead caregiver to receive and
13 document a minimum of 20 hours of annual training directly related
14 to the functions of his or her position.

15 (5) Caregiver staff shall complete a minimum of 24 hours of
16 initial training within the first 90 days of employment. Eight hours
17 of training shall be completed before the caregiver staff are
18 responsible for children, left alone with children, and counted in
19 the staff-to-child ratios described in subdivision (c). A maximum
20 of four hours of training may be satisfied by job shadowing.

21 (b) The department shall allow the use of fully trained and
22 qualified volunteers as caregivers in a crisis nursery, subject to the
23 following conditions:

24 (1) Volunteers shall be fingerprinted for the purpose of
25 conducting a criminal record review as specified in subdivision
26 (b) of Section 1522.

27 (2) Volunteers shall complete a child abuse central index check
28 as specified in Section 1522.1.

29 (3) Volunteers shall be in good physical health and be tested
30 for tuberculosis not more than one year prior to, or seven days
31 after, initial presence in the facility.

32 (4) Volunteers shall complete a minimum of 16 hours of training
33 as specified in paragraphs (5) and (6).

34 (5) Prior to assuming the duties and responsibilities of a crisis
35 caregiver or being counted in the staff-to-child ratio, volunteers
36 shall complete at least five hours of initial training divided as
37 follows:

38 (A) Two hours of crisis nursery job shadowing.

39 (B) One hour of review of community care licensing regulations.

(C) Two hours of review of the crisis nursery program, including the facility mission statement, goals and objectives, child guidance techniques, and special needs of the client population they serve.

(6) Within 90 days, volunteers who are included in the staff-to-child ratios shall do both of the following:

(A) Acquire a certification in pediatric first aid and pediatric cardiopulmonary resuscitation.

(B) Complete at least 11 hours of training covering child care health and safety issues, trauma informed care, the importance of family and sibling relationships, temperaments of children, self-regulation skills and techniques, and program child guidance techniques.

(7) Volunteers who meet the requirements of paragraphs (1), (2), and (3), but who have not completed the training specified in paragraph (4), (5), or (6) may assist a fully trained and qualified staff person in performing child care duties. However, these volunteers shall not be left alone with children, shall always be under the direct supervision and observation of a fully trained and qualified staff person, and shall not be counted in meeting the minimum staff-to-child ratio requirements.

(c) The department shall allow the use of fully trained and qualified volunteers to be counted in the staff-to-child ratio in a crisis nursery subject to the following conditions:

(1) The volunteers have fulfilled the requirements in paragraphs (1) to (6), inclusive, of subdivision (b).

(2) There shall be at least one fully qualified and employed staff person on site at all times.

(3) (A) There shall be at least one employed staff *person* or volunteer caregiver for each group of six ~~preschool-age~~ children, or fraction thereof, *who are 18 months of age or older*, and one employed staff *person* or volunteer caregiver for each group of ~~four infants~~ *three children*, or fraction thereof, *who are under 18 months of age* from 7 a.m. to 7 p.m.

~~(B) There shall be at least one paid caregiver or volunteer caregiver for each group of six children, or fraction thereof, from 7 p.m. to 7 a.m.~~

(B) There shall be at least one employed staff person or volunteer caregiver for each group of six children, or fraction thereof, who are 18 months of age or older, and one employed staff person or volunteer caregiver for each group of four children,

1 *or fraction thereof, who are under 18 months of age from 7 p.m.*
2 *to 7 a.m.*

3 (C) There shall be at least one employed staff person present
4 for every volunteer caregiver used by the crisis nursery for the
5 purpose of meeting the minimum caregiver staffing requirements.

6 (D) *The crisis nursery's plan of operation shall address how it*
7 *will deal with unexpected circumstances related to staffing and*
8 *ensure that additional caregivers are available when needed.*

9 (d) There shall be at least one staff person or volunteer caregiver
10 awake at all times from 7 p.m. to 7 a.m.

11 (e) (1) When a child has a health condition that requires
12 prescription medication, the licensee shall ensure that the caregiver
13 does all of the following:

14 (A) Assists children with the taking of the medication as needed.

15 (B) Ensures that instructions are followed as outlined by the
16 appropriate medical professional.

17 (C) Stores the medication in accordance with the label
18 instructions in the original container with the original unaltered
19 label in a locked and safe area that is not accessible to children.

20 (D) Administers the medication as directed on the label and
21 prescribed by the physician in writing.

22 (i) The licensee shall obtain, in writing, approval and instructions
23 from the child's authorized representative for administration of
24 the prescription medication for the child. This documentation shall
25 be kept in the child's record.

26 (ii) The licensee shall not administer prescription medication
27 to a child in accordance with instructions from the child's
28 authorized representative if the authorized representative's
29 instructions conflict with the physician's written instructions or
30 the label directions as prescribed by the child's physician.

31 (2) Nonprescription medications may be administered without
32 approval or instructions from the child's physician if all of the
33 following conditions are met:

34 (A) Nonprescription medications shall be administered in
35 accordance with the product label directions on the nonprescription
36 medication container or containers.

37 (B) (i) For each nonprescription medication, the licensee shall
38 obtain, in writing, approval and instructions from the child's
39 authorized representative for administration of the nonprescription

1 medication to the child. This documentation shall be kept in the
2 child's record.

3 (ii) The licensee shall not administer nonprescription medication
4 to a child in accordance with instructions from the child's
5 authorized representative if the authorized representative's
6 instructions conflict with the product label directions on the
7 nonprescription medication container or containers.

8 (3) The licensee shall develop and implement a written plan to
9 record the administration of the prescription and nonprescription
10 medications and to inform the child's authorized representative
11 daily, for crisis day services, and upon discharge for overnight
12 care, when the medications have been given.

13 (4) When no longer needed by the child, or when the child is
14 removed or discharged from the crisis nursery, all medications
15 shall be returned to the child's authorized representative or
16 disposed of after an attempt to reach the authorized representative.

17 SEC. 4. Section 1596.792 of the Health and Safety Code is
18 amended to read:

19 1596.792. This chapter, Chapter 3.5 (commencing with Section
20 1596.90), and Chapter 3.6 (commencing with Section 1597.30)
21 do not apply to any of the following:

- 22 (a) Any health facility, as defined by Section 1250.
- 23 (b) Any clinic, as defined by Section 1202.
- 24 (c) Any community care facility, as defined by Section 1502.
- 25 (d) Any family day care home providing care for the children
26 of only one family in addition to the operator's own children.
- 27 (e) Any cooperative arrangement between parents for the care
28 of their children when no payment is involved and the arrangement
29 meets all of the following conditions:

30 (1) In a cooperative arrangement, parents shall combine their
31 efforts so that each parent, or set of parents, rotates as the
32 responsible caregiver with respect to all the children in the
33 cooperative.

34 (2) Any person caring for children shall be a parent, legal
35 guardian, stepparent, grandparent, aunt, uncle, or adult sibling of
36 at least one of the children in the cooperative.

37 (3) There can be no payment of money or receipt of in-kind
38 income in exchange for the provision of care. This does not prohibit
39 in-kind contributions of snacks, games, toys, blankets for napping,
40 pillows, and other materials parents deem appropriate for their

1 children. It is not the intent of this paragraph to prohibit payment
2 for outside activities, the amount of which may not exceed the
3 actual cost of the activity.

4 (4) No more than 12 children are receiving care in the same
5 place at the same time.

6 (f) Any arrangement for the receiving and care of children by
7 a relative.

8 (g) Any public recreation program. "Public recreation program"
9 means a program operated by the state, city, county, special district,
10 school district, community college district, chartered city, or
11 chartered city and county that meets either of the following criteria:

12 (1) The program is operated only during hours other than normal
13 school hours for kindergarten and grades 1 to 12, inclusive, in the
14 public school district where the program is located, or operated
15 only during periods when students in kindergarten and grades 1
16 to 12, inclusive, are normally not in session in the public school
17 district where the program is located, for either of the following
18 periods:

19 (A) For under 20 hours per week.

20 (B) For a total of 14 weeks or less during a 12-month period.
21 This total applies to any 14 weeks within any 12-month period,
22 without regard to whether the weeks are consecutive.

23 In determining "normal school hours" or periods when students
24 are "normally not in session," the State Department of Social
25 Services shall, when appropriate, consider the normal school hours
26 or periods when students are normally not in session for students
27 attending a year-round school.

28 (2) The program is provided to children who are over the age
29 of four years and nine months and not yet enrolled in school and
30 the program is operated during either of the following periods:

31 (A) For under 16 hours per week.

32 (B) For a total of 12 weeks or less during a 12-month period.
33 This total applies to any 12 weeks within any 12-month period,
34 without regard to whether the weeks are consecutive.

35 (3) The program is provided to children under the age of four
36 years and nine months with sessions that run 12 hours per week
37 or less and are 12 weeks or less in duration. A program subject to
38 this paragraph may permit children to be enrolled in consecutive
39 sessions throughout the year. However, the program shall not

1 permit children to be enrolled in a combination of sessions that
2 total more than 12 hours per week for each child.

3 (h) Extended day care programs operated by public or private
4 schools.

5 (i) Any school parenting program or adult education child care
6 program that satisfies both of the following:

7 (1) Is operated by a public school district or operated by an
8 individual or organization pursuant to a contract with a public
9 school district.

10 (2) Is not operated by an organization specified in Section
11 1596.793.

12 (j) Any child day care program that operates only one day per
13 week for no more than four hours on that one day.

14 (k) Any child day care program that offers temporary child care
15 services to parents and that satisfies both of the following:

16 (1) The services are only provided to parents and guardians who
17 are on the same premises as the site of the child day care program.

18 (2) The child day care program is not operated on the site of a
19 ski facility, shopping mall, department store, or any other similar
20 site identified by the department by regulation.

21 (l) Any program that provides activities for children of an
22 instructional nature in a classroom-like setting and satisfies both
23 of the following:

24 (1) Is operated only during periods of the year when students
25 in kindergarten and grades 1 to 12, inclusive, are normally not in
26 session in the public school district where the program is located
27 due to regularly scheduled vacations.

28 (2) Offers any number of sessions during the period specified
29 in paragraph (1) that when added together do not exceed a total of
30 30 days when only schoolage children are enrolled in the program
31 or 15 days when children younger than schoolage are enrolled in
32 the program.

33 (m) A program facility administered by the Department of
34 Corrections and Rehabilitation that (1) houses both women and
35 their children, and (2) is specifically designated for the purpose of
36 providing substance abuse treatment and maintaining and
37 strengthening the family unit pursuant to Chapter 4 (commencing
38 with Section 3410) of Title 2 of Part 3 of the Penal Code, or
39 Chapter 4.8 (commencing with Section 1174) of Title 7 of Part 2
40 of that code.

1 (n) Any crisis nursery, as defined in paragraph (17) of
2 subdivision (a) of Section 1502.

3 SEC. 5. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 the only costs that may be incurred by a local agency or school
6 district will be incurred because this act creates a new crime or
7 infraction, eliminates a crime or infraction, or changes the penalty
8 for a crime or infraction, within the meaning of Section 17556 of
9 the Government Code, or changes the definition of a crime within
10 the meaning of Section 6 of Article XIII B of the California
11 Constitution.